

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:12-cr-00455-HDM-PAL

Plaintiff,

ORDER

v.

CHARLES BO MUMPHREY,

Defendant.

10 The defendant has filed a "Motion for Resentencing Pursuant
11 to Scott Prigan v. United States." (ECF No. 269).

12 The defendant does not identify any legal basis for his
13 motion. On that basis alone, the motion is DENIED.

14 Construed as a motion to correct sentence pursuant to 28
15 U.S.C. § 2255, the motion must be dismissed for lack of
16 jurisdiction as it is second or successive, and the court lacks
17 jurisdiction to consider a second or successive motion absent prior
18 authorization from the Court of Appeals. 28 U.S.C. § 2255(h); *id.*
19 § 2244; *United States v. Washington*, 653 F.3d 1057, 1065 (9th Cir.
20 2011). Because the court has no such authorization before it and
21 the defendant does not indicate he has received any such
22 authorization, the motion, to the extent it may be construed as
23 arising under § 2255, is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED.

DATED: This 18th day of October, 2022.

Howard D McKibben
UNITED STATES DISTRICT JUDGE